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DOCUMENTS

1. Documents relating to the Mississippi Land Company, 1763-1769.

THE following documents, found among the Earl of Chatham's papers,¹ serve to illustrate one phase of the movement for the colonization of the West in the eighteenth century. Immediately after the announcement of the formal cession of the West to Great Britain in February, 1763, a number of companies were organized for the purpose of exploiting the territory. Among these was the Mississippi Land Company, in which George Washington, the Virginia Lees, and a number of prominent merchants and planters of the colonies of Virginia and Maryland were interested. The proposed colony, the exact boundaries of which are printed elsewhere,² was to comprise two million five hundred thousand acres situated in the present states of Indiana, Illinois, and Kentucky. The efforts of the company to secure a grant were temporarily checked in the year of its organization by the issuance of the royal proclamation of 1763, designed to pacify the western Indians by reserving to them the territory west of the Alleghany Mountains. After 1767 the opposition of certain members of the ministry, notably Lord Hillsborough, who were not persuaded of the utility of such colonies, successfully circumvented the efforts of the company and its friends. By 1770 activity on the part of the company appears to have ceased.

CLARENCE E. CARTER.

WESTMORELAND COURT HOUSE, VIRGINIA.

At a meeting of the Committee of the Mississippi Company Sept. 26th 1763.

Present

Richard Henry Lee, Francis Lightfoot Lee, Rich. Parker, John Aug. Washington, W^m Booth, being members of the Committee,³ and also Charles Digges, George Simpson and W^m Beale Junr.⁴

¹ The bundle of papers relating to the Mississippi Company bears the following endorsement: "Mississippi Co^s. Papers, sent to the Right Honble William Earl of Chatham, On Saturday the 20th of April, 1774." The papers are in the Public Record Office, London. They are declared by an endorsement to be all in the handwriting of William Lee.

² The boundaries are described in the memorial of the company, dated September, 1763. See documentary appendix to *Great Britain and the Illinois Country, 1763-1774* (Washington, 1910), by C. E. Carter.

³ A committee of ten members was to meet twice each year to transact necessary business. See A. B. Hulbert, "Original Articles of Agreement", in *Ohio Archaeological and Historical Publications*, XVII. 438.

⁴ Any member of the company was given the right to vote in committee meetings should he happen to be present. *Ibid*.

A Letter to Mr. Thos. Cumming by order of the Company being prepared and approved is as followeth:

VIRGINIA Sept. 26th, 1763.

Sir,

We are now to inform you that a number of Gentlemen of this Colony and the Province of Maryland, many of them your particular acquaintances, have projected a Scheme for taking up a Considerable Tract of Land on a navigable part of the Mississippi and some of its dependencies. That for this purpose they have formed themselves into a Company by the name of the Mississippi Company and have agreed to such Articles and Rules for the better executing their plan, as the nature of the thing suggested to them. Of which, together with their subsequent proceedings you will herewith receive a Copy where you will perceive that we are directed to propose to you to become one of the Company and to desire that you will be pleased to procure so many subscribers to the Scheme, as will amount to nine, of such influence and fortunes as may be likely to promote its success. The particular spot chosen by the Company you will find by the Memorial lies on the River Mississippi, a considerable way above and below the confluence of Ohio therewith; and extending from the Mississippi into the Country Eastward and Southward so as to comprehend the quantity they want, on the first mentioned River, and its great branches, Wabash, Ohio and Cherokee Rivers. Many reasons have contributed to the choice of this place; such as the goodness of the navigation from thence to the Gulph of Mexico, the fineness of the climate, it being in about 38 Degrees of North Latitude, the country level, and the soil from unquestionable Intelligence, as fertile as any on the Globe. These powerful inducements cannot fail to effect a speedy Settlement of this Country which must render the share of each Adventurer extremely valuable.

The benefit then to be derived to the Company, being so probable, it remains only to obtain if possible, from the Crown a Grant to the Company (by the name of the Mississippi Company) for such Lands and on such Terms, as they have proposed in their Memorial.⁵ For their Success in this point they rely on you, and as they are conscious that solicitations of this sort are attended with expense, to defray this they present you with an hundred Guineas.

The Company would choose to have their Memorial laid before the King, so soon as you shall find it expedient to do so, from having previously conciliated the favor of the Ministry thereto. And if you find that it is to be attended with success, you are desired to give the Committee the most early intelligence, and at the same time to inform them what expense will arise from the suing out of Letters Patent, that they may immediately call a meeting of the Company to raise the requisite sum.

But in the meantime you are to proceed as far as the nature of the thing will admit in suing out such Letters Patent. The Company choose Letters Patent rather than a Mandamus for the Colony, because so many persons of the first influence here, are concerned in Land Schemes; that a thousand nameless, artful obstructions would be thrown into their way to prevent the success of their enterprize.

⁵ For terms see the original articles of agreement printed by A. B. Hulbert, in *Ohio Archaeological and Historical Publications*, XVII. 436, and the memorial of the company, dated September 9, 1763, printed in documentary appendix of *Great Britain and the Illinois Country, 1763-1774*.

Also it is desired that a warrant for survey shall be solicited from the Crown and left blank to be filled up with the name of such Surveyor as the Company can agree with to do their business on the cheapest terms, because the legal fees here are so oppressive, that the expence of surveying the Company's Grant would be insupportably great. But this application need not be made untill the Letters Patent be obtained.

It is apprehended that considerable difficulties will attend the attainment of the Grant we request, and for these reasons which have been urged here, as prevailing with you: First that the Grants of large Tracts of Land prevent the poorer sort of people from settling by the previous engrossing of the Soil. However plausible this may appear in theory, the contrary has been found true in practice.

It having been discovered from experience, that Land taken up by Companys may be retailed by them to Individuals, in such a manner as to profit the taker up, and yet the purchaser from him, obtain his Land cheaper than he could himself possibly have taken it up originally, because where a large quantity of Land is to be surveyed, an artist can be obtained to do the whole business, for a much less Sum, than the survey of the same quantity would cost a number of individuals having distinct property in it, and employing different Surveyors. Add to this the heavy charges that arise from the taking out so many different patents, the expence of traveling and attending offices, and lastly the utter ignorance the poorer sort labor under of the proper methods to be taken in the solicitation of patents, and their inability to advance ready money for such purposes. All which is removed by the method we propose, as we carry people immediately to the spot, invite others to come, and give them deeds to the Lands they want on reasonable terms, and credit given them until they by their industry become enabled to pay for their purchases. But in answer to all this it is urged, that what we propose to do, may be done at the expense and under the immediate protection of the Government. It is very true that if the Country proposed to be settled was not of very large extent, this method would answer, but as it happens otherwise and that the Country comprehends many thousand miles in circuit this method would create a most prodigious heavy Government Expence. ^{2^{ly}} It is said that by the Treaty of Easton,⁶ made with the Indians during the War, all the Lands West of the Alleghanys are given up to the Indians for hunting grounds, therefore good faith requires that they sho^d not be molested in the quiet possession of them. In answer to this objection it may be urged that the Treaty was made with the Northern Indians and therefore could only mean to affect those commonly used by them as hunting grounds. That therefore the Lands solicited by this Company must be out of the question, as it is far South, at least 600 miles from the Indians who were then treated with and where they never go to hunt. And also that by the common principles of reason and the Law of Nations that Treaty is vacated by the Indians themselves, who for the slightest causes have attacked his Majestie's fortifications and most barbarously

⁶ This treaty was negotiated in 1758 between the colony of Pennsylvania and the Indians; in it the former promised to make no settlements west of the Alleghanies. See *Canadian Archives Report*, 1889, pp. 72 ff.; *Documentary History of New York*, II. 775, 783. For the significance of the treaty see Alvord, *Genesis of the Proclamation of 1763*, pp. 13-14.

murdered in cold blood the King's Officers and Troops, that they have also invaded most of the Colonies East of Alleghany, murdering multitudes of his Majestie's Subjects, and destroying the Country before them with fire and Sword. This Insult on his Majestie's Government and their first violation of the Treaty now puts it in the Power of the Crown consistently with Justice, to pursue the political plan of getting that Country settled as quickly as possible; we call it political, because the fertility of the Soil, the immense quantity of it, the fineness of the Climate and the Situation of Navigation, renders it one of the most proper Countrys in the World for the production of Hemp, of which commodity, so necessary to Britain, any quantity may there be produced. As well as a variety of other crude materials for manufactures, which at present we purchase from foreigners at a very great expence; such as Silk, Iron, Indigo, etc. But above all things, Hemp, it appears peculiarly adapted to, because that plant so greatly and quickly impoverishes ground, that to make it in many quantities, not only a Soil uncommonly fertile is requisite, but there must be a prodigious quantity, also the good policy of this measure, will further appear from considering how effectually a strong Colony settled at that place proposed by the Company will contribute to prevent any encroachments the French Settlers on the west side of the Mississippi may be disposed to make on the King's Territorys in that part, and how they will be cutt off from all communication with the Indian Nations, and thereby be prevented from instigating them to War, and harassing the frontier Counties as they have constantly done of all the Colonies. It is to be considered likewise that as the French have already a very powerful Settlement upon the River Illinois and many Settlements among the Lakes and as by the Treaty of Peace they are to remain there as British Subjects; whether if our people are not allowed to settle beyond the Alleghanys, will not the above mentioned French be apt (under the security of the vast distance of 8 or 9 hundred miles from our Settlements) to invite over their Neighbors and Countrymen from the west side of the Mississippi, and thereby gradually take hold of that Country as to make another expensive War requisite to remove them. This is no improbable event, when we attend to the enterprizing and encroaching genius of the French, ever fond of invading their neighbor's rights when they can do it with any tolerable security. And that they will be permitted to do this unmolested by the Indians is extremely probable from the powerful influence they appear to have over the minds of these people by their behavior to these Settlers at the time they were besieging his Majesty's Fort at Detroit, the 11th of last May when they made use of the French as Mediators between them and the Garrison which French most dishonestly gave up the King's Officers they had engaged to protect, to the cruel fury of the Indians, no doubt the better to conciliate the affections of the Savages, and by the Summons they sent Major Gladwin wherein they call the French their Fathers. These facts make it certain whatever encroachments the French may be inclined to make, they will meet with no obstruction from the Indians. These are hints, Sir, that we have thought it prudent to mention to you, that if necessary, may be urged to the Ministry, but we doubt not but your reflections will furnish you with reasons of more weight than any we have here suggested.

We are also to observe to you, Sir, that Col. Mercer^r is now in

^r Colonel George Mercer.

London soliciting for the Ohio Company, and perhaps he may have under his protection the Interest of other Companies whose concerns may possibly interfere with ours, or that he may think so; and thereby be induced to oppose our Scheme; we request you not to converse with Col. Mercer on the subject of our solicitation, nor let him know that any such plan is projected. This letter together with our original Articles, the Memorial, and all our papers will be delivered you by Mr. Chas. Digges, a worthy member of the Company whose opinion in what results to the concerns of the Company we recommend to your attention; and if it should not be agreeable to you to be a member or to solicit our affairs, we advise you, and it is in our Opinion, that in the appointment of another agent, you consult Mr. Digges, and that you take his sentiments in the Choice of those nine members to be procured in Britain and in that event Mr. Digges will receive our papers and put them into the hands of another Solicitor. But nevertheless we hope your friendship for many members of the Company will induce you to favor their Scheme, and to assist Mr. Digges with your advice. We have nothing more at this time to observe to you, but only that you will be pleased from time to time to give us all necessary information and that you direct your letters for us to Mr. W^m Lee in Westmoreland County, Virginia; We are with great esteem, Sir, your most obedient and very humble Servants.

By order of the Committee, W^m LEE, *Secretary*.

Resolved, that the Treasurer take a fair Copy of the original Agreement, the Memorial, and the Letter together with the Resolves of the said Company made at Belleview^s Sept. 9, 1763, and deliver the same to Mr. Chas. Digges to be by him presented to Mr. Cumming.

Resolved that the Treasurer pay into the hands of Mr. Chas. Digges One hundred Guineas to be by him delivered to Mr. Cumming agreeable to the resolves of the Company.

WESTMORELAND COUNTY, VIRGINIA, March 1st, 1767.

Thos. Cumming, Esq.
Sir,

It was with concern we understand from your Letter to Mr. W^m Lee, dated the 16th of January, 1765, that little hope was to be entertained of success in a point so much wished by the Mississippi Company. But we should not so long have neglected to answer that very polite and obliging Letter if you had not in some measure rendered an answer unnecessary, by declaring your intention of resuming the Pen when such an alteration in American affairs should take place as might prove favorable to the Claim.

That the present is a proper Crisis to renew our solicitations, we hope as well from the wisdom of the Ministry, as from what you have been pleased lately to write Col. Thornton on this Subject. In conformity, therefore, with the direction of the Company at their last general meeting we are to request, that if in your opinion, a probability of success now opens immediate measures be taken to press for a determination by the Privy Council on the Company's Memorial; and as a previous prudent step we recommend the obtaining as quickly as possible, one half the number of British members of the Company, which you were desired

^s The residence of Colonel Thomas Ludwell Lee, in Stafford County, Virginia.

to procure by our former letter among which number, it will give us much pleasure that you sho^d. be one; but the other half it is deemed proper shall remain unfilled, till the next general meeting, when you will receive further advice on this head.

When the consideration of this affair is recommended we should be willing (as it appears to you proper), to yield that part of the Memorial relative to fortifications at Government expence, but with respect to the Quantity of Land for each Member, if it be rightly understood, an abridgement of that will by no means answer, since it remains a certainty that one third at least of the quantity will be necessarily sacrificed to the purpose of gaining a sufficient number of Settlers to secure the rest, which added to the Expence incurred by conveying people there, the greater number probably from the Continent of Europe, the charge of surveying, etc., will leave the remainder not more than a good encouragement to the adventure. With regard to the Crown, it would seem a much more probable method of securing and speedily increasing the quit Rent revenue, by placing the Land in the hands of persons of property, than by suffering things to remain as they are now, when people in numbers that have no property and of bad reputation generally are bursting daily thro' the bounds of the settled Colonies, and fixing on the Waters of the Ohio, both lawless and useless to their Country, a consciousness of having violated Government Orders making them choose to have as little communication with the interior parts as possible.

We observe your opinion of the settled Colonies being too thinly inhabited. For some purposes, no doubt it is so; but whilst Great Britain desires our application to Agriculture rather than to Arts her interest in this point will more effectually be obtained, by a dispersion than by a collection of our people; experience evincing, that when good land can be obtained on easy terms, the desire of manufacturing is almost entirely lost in the eagerness for tillage. The difficulty of procuring Land, and the complement of great numbers in small Tracts of Territory, call necessarily for the exercise of invention, from whence spring originally improvements in Arts and Manufactures.

As the spot chosen by the Company is open to navigation and the Country around extremely fertile, the settlers there will beyond doubt considerably benefit both themselves and the Mother Country from the Products of the Soil; so the means of conveying British fabricks by water must render them greatly cheaper than they can possibly be made there for ages at least.

The Company has been informed by Mr. Digges of your declining to accept the money formely tendered you; they regard this as a very uncommon, and a very noble instance of warm and disinterested friendship, the only return to which thay can at present make, is a real and genuine esteem.

We conclude that the Solicitor lodged the Memorial with the Privy Council and except the Ten Pounds paid him for that purpose, the Balance of the Money rests in the hands of Thos. Philpot, Esq., Merchant in London, who will be directed to pay it out to your Order as you shall find it necessary in the course of the solicitation.

In filling up the number of the British members as above mentioned we recommend your application to Flemming Pinkston, Esq., in St. Albans Street to be one of the Company.

We think of nothing more at this time necessary to be mentioned to you but our request that you give us (by means of Mr. W^m Lee) the most early notice of what is done in our business; and we beg leave to refer you to a due consideration of the Original Agreement and Memorial, and of our Letter accompanying them dated the 26th of Sept. 1763.

We remain with great regard, Sir, your most obedient and very humble Servants.

Signed after being agreed to by the Committee and by their Order,
WILLIAM LEE, *Secretary*.

At a General Meeting of the Mississippi Company at Stafford Court House in Virginia the 27th day of May 1767.

It appearing to the Company that the Committee in compliance with the directions of the said Company given to them at a meeting held the 22d day of Nov., 1765, have written to Mr. Cumming and pres'd him to solicit with vigor, the granting the Lands mentioned in the Memorial formerly sent to him, and the Letter being read to the Board which amongst other things directs that Mr. Cumming proceed to fill up the Subscriptions with only one half of the British members and the other half to remain 'till the next general meeting, which letter being approved of by the s^d: Company they have come to the following resolutions:

That as some Gentlemen of power, fortune and interest wo^d. willingly become members of our Company but may object to being limited to one Share.

Resolved that the Committee write Mr. Cumming to have regard to Major Thos. Addison's recommendations to him of such persons to whom a tender of two shares shall be made, and that the Treasurer write Major Addison requesting him to inform Mr. Cumming by Letter who the particular persons are to whom he may propose the acceptance of two Shares.

It appearing from experience, that a meeting of a Majority of the Members residing in Virginia and Maryland cannot be easily obtained according to the original Articles and an obstruction to business happening in consequence thereof, Resolved that for the future every general meeting of the Company shall be advertised in the Virginia and Maryland Gazette, and if at such a meeting a majority of the said members shall be assembled, four of which to be of the Committee, they shall have power to proceed on business and their determinations to be binding on the Company, anything to the contrary or seeming to the contrary thereof in the original articles notwithstanding.

Resolved that the Treasurer transmit a Copy of the last Resolve to every absent member in Virginia and Maryland that they may have notice thereof.

Resolved that as Mr. W^m Digges hath refused to pay his proportion of the Money as is directed by the Original Articles it is determined that Mr. Richard Graham on complying with the requisite payment, be admitted a member of the Company in place of the said Digges, and that the Treasurer inform Mr. Cumming of this alteration in the list of subscribers.

Ordered that the Treasurer forthwith demand of the Subscribers who have not paid their quotas agreeable to the Original Articles, the Sums of money respectively due from them.

Ordered that the Treasurer pay the Expences accru'd at this meeting out of the Money in his hands.

Agreed to by

Richard Henry Lee, William Brent, Francis Lightfoot Lee, William Fitzhugh, junr., Henry Fitzhugh, Francis Thornton, Thomas Ludwell Lee, Robert Brent, Richard Parker, Thomas Bullet, John Augustine Washington, W^m Beale, Junr., George Washington, W^m Booth, W^m Fitzhugh, John Riddell, Executor of the deceased James Douglas, Presly Thornton, W^m Flood, W^m Brokenbrough, Bened. Calvert, Henry Rozer, Anthony Stewart, the Rev. Henry Addison, Daniel Carroll.

Test, WILLIAM LEE, *Secretary*.

At a General Meeting of the Mississippi Company at Stafford Court House in Virginia, December 16th 1767.

Present

Richard Parker	Francis Thornton
Richard Henry Lee	William Brent
William Fitzhugh	John Augustine Washington
Francis Lightfoot Lee	William Fitzhugh, Junr.
Thomas Ludwell Lee	William Beale, Junr.
George Washington	William Lee

Richard Parker, Esq., chosen President of this meeting.

It is resolved that Messrs. Robt. Brent, Richard Graham, Philip Thomas Lee, William M^cGachin, and George Plater be excluded from the Company for not having paid their quota agreeable to the original Articles.

It is resolved that Mr. Edw. Key, dec'd, was not a member of this Company, having never signed the Original Articles.

It is resolved that Major Thomas Addison is not a member of this Company, but that application shall be made to him to become a member.

It is resolved that Mr. John Hite is not a member of this Company, having never signed the Articles or paid any money.

It is resolved that Mr. Samuel Washington be admitted as a member of this Company on complying with the Articles thereof.

It is resolved that Messrs. John Baylor, Bernard Moore and Thos Walker be admitted as members of the Company on their complying with the Articles thereof.

It is resolved that Mr. Chas. Digges have full power and authority to sell or dispose of his share in this Company to Mr. Thos. Montgomery or any other person that the Company shall hereafter approve of.

It is resolved that application shall be made to Mr. Warner Lewis and Doctor Arthur Lee to become members of this Company.

It is the opinion of the Company and it is so ordered, that the Treasurer of the Company call a general meeting of the Company according to the rules of the Company for that purpose, on the 21st day of March next ensuing, and if at that time a number of members sufficient to form a general meeting shall not be assembled, that in that case the Committee already appointed by the Company or the Treasurer of the Company being so directed by the Committee, shall have full power and authority to demand and receive of each member of the Company the Sum of £13, 11, 0, Sterling, amounting in the whole to the Sum of £542 Sterling, which Sum the said Committee are empowered to dispose of in

employing an agent to proceed immediately to Britain, there to solicit the Company's Grant, as fully, speedily, and effectually as the nature of the Business will admit.

It is resolved that W^m Lee, Esq., the Treasurer, has presented his Account to the Company which is admitted.

It is resolved that W^m Lee Esq., be continued Treasurer to this Company.

It is resolved that the Treasurer pay the Expence of this meeting.

Test, WILLIAM LEE, *Secretary*.

LONDON, May 30, 1769.*

Sir,

Above is a Copy of the Articles etc. of the Mississippi Co. which cost 11/ and 4/6 for the postage of your sundrie letters added to £13-11, your quota to the Mississippi Co. makes £14-6-6, for which Sum I have this day drawn on you at two days sight payable to Dr. Arthur Lee which I hope will meet with due honor. The temper of the present Ministry being much against America, it is tho't advisable to let the petition lay undetermined on, before the Board of Trade where it now is, in hopes a change of men (as is commonly the case), will bring also a change of measures. With regard to your Br. Robert's affairs in Virginia I am too little acquainted therewith to give you any authentic account thereof, but you may be much better informed by writing to Mr. John Ballantine Junr. mercht. on Nomony, Potomac, Virginia, or to Mr. David Boyd, Atty. at Law, Northumberland County, Virginia, either of these Gent. can give you a full acct. of his affairs. Capt. Gordon administered upon his estate and I believe has sold all the moveable estate, the lands were your Property and I don't see what occasion you had to sell them, but I suppose they were sold for your benefit. I wish it was in my power to give you more full information.

I am Yr most Hble Servt.

WILLIAM LEE.

2. A Projected Settlement of English-speaking Catholics from Maryland in Spanish Louisiana, 1767, 1768.

THE three documents printed below¹ form part of a correspondence relating to a proposed settlement in Spanish Louisiana by Maryland Catholics. Research in the Archivo de Indias has failed to

* It does not appear to whom this letter was written. Its significance lies in its reference to the postponement due to the feeling of the ministry. For Lord Hillsborough's attitude, see the report of the Board of Trade in *N. Y. Col. Docs.*, VII. 19.

¹ All copied from originals in the Archivo General de Indias, Seville, Audiencia de Santo Domingo: Luisiana y Florida, Correspondencia Oficial con los Gobernadores, años 1751 á 1768, estante 86, cajón 6, legajo 6. The copies form part of a collection made for Mr. Louis Houck, of Cape Girardeau, Missouri, who has allowed use to be made of them here. The two English letters were evidently copied for Ulloa by a copyist unacquainted with English, and hence were poorly done. Mr. Houck's transcripts were carefully re-collated in Seville, thus proving that the original copies were faulty. Some of the most obvious errors have been corrected without comment, while in other cases the editorial bracket has been employed.